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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,648	10/31/2003	Steven Louis Eaton	LDC100A US	3752
21133	7590	12/30/2005	EXAMINER	
VAN OPHEM & VANOPHEM, PC REMY J VANOPHEM, PC 51543 VAN DYKE SHELBY TOWNSHIP, MI 48316-4447			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/698,648	EATON ET AL.	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 6, 8 - 26, 28 - 46 and 48 - 60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 6, 8 - 26, 28 - 46 and 48 - 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031031</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received 22 August 2005 to the office action mailed 21 July 2005. Claims 1 – 6, 8 – 26, 28 – 46 and 48 – 60 with the elected species of Fax is pending for examination.

Election/Restrictions

Applicant's election with traverse of claims 1 – 6, 8-26, 28 – 46 and 48 – 60 in the reply filed on 22 August 2005 is acknowledged. Applicant has not argued any grounds for the traversal. The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1 – 6, 8 – 26, 28 – 46 and 48 – 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raveis US Publication 2002/0049624 in view of Watanabe Japan Patent 2001-274946.

Regarding claims 1, 21 and 41, Raveis teaches automating at least some phases of real estate transfer (storing data relating to and coordinating the multitude of tasks associated with the purchase or sale of a property from contract to close) [0017], said method being centralized on at least one server and carried out over a distributed computer network to a plurality of client computers [Fig. 1 and disclosure associated with Fig. 1]. Raveis teaches:

creating a real estate record on said at least one server [0017, 0018];

receiving information from a plurality of sources (atleast 2 sources). Raveis does not teach receiving information from facsimile equipment. However, Watanabe teaches receiving information from Fascimile equipment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Raveis as taught by Watanabe to electronically file the documents received from parties involved in a transaction.

Raveis in view of Watanabe teaches:

associating at least some of said information to said real estate record using a record identifier associated with said real estate record [Watanabe, 0009]; and

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storing said information on said at least one server in association with said real estate record [Watanabe, 0009, 0010].

Regarding claims 2, 22 and 42, Raveis in view of Watanabe teaches receiving at least some portion of a property listing from a multiple listing service (available homes are listed in MLS) [Raveis, 0099].

Regarding claims 3, 23 and 33, Raveis in view of Watanabe teaches transmitting at least a portion of said real estate record to a multiple listing service [Raveis, 0099].

Regarding claims 4, 24 and 44, Raveis in view of Watanabe teaches:
receiving a fax communication from any fax source capable of contacting said at least one server irrespective of a fax number of said fax source [Watanabe, 0009];
prompting a sender of said fax communication to input said record identifier into said any fax source;
converting said fax communication into a digital document that represents said information to be associated and stored in accord with said associating and storing steps [Watanabe, claim 11 and disclosure associated with claim 11].

Regarding claims 5, 25 and 45, Raveis in view of Watanabe teaches:
determining whether said record identifier matches any of a number of a plurality of real estate records [Watanabe claim 1 and disclosure associated with claim 1];

discarding said digital document if said determining step is negative (it a business choice to decide what course of action to take when the determining action is negative. Watanabe teaches storing document into a common document storage area, and also capability of discarding the document. [Watanabe, 0039, claim 2 and disclosure associated with claim 2].

Regarding claim 6, 26 and 46, Raveis in view of Watanabe teaches capability for saving said digital document on said at least one server in accord with a matching real estate record if said determining step is positive.

Regarding claims 8, 28 and 48. Ravies in view of Watanabe teaches capability for listing agent reviewing said information [Watanabe, 0028] and granting view rights to authenticated users, such that said users can access and view a digital representation of said information (Raveis teaches remote log-in) [Raveis, 0007]. It is business choice for implementing security measures and decide how the security measures are implemented.

Regarding claims 9, 29 and 49, as responded to earlier for claim 1 and 8, Raveis in view of Watanabe teaches capability for listing agent marking information as secured or unsecured.

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Regarding claims 10, 30 and 50, as responded to earlier for claims 1 and 8, Reveis in view of Watanabe teaches capability for providing security clearance and access over said distributed computer network to at least some portions of said real estate record to a plurality of different users depending upon an assigned role of a user among said plurality of different users, said plurality of different users including buyers, sellers, brokers, managers, agents, financial entities, other third parties, or the like.

Regarding claims 11, 31 and 51, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability providing a masquerade function whereby one of said plurality of different users can masquerade as another of said plurality of different users (an agent can be a buyer agent for searching properties, and, the same agent can be a listing agent for posting their properties on to the MLS).

Regarding claims 12, 32 and 52, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches tracking activity on said at least one server so as to provide an audit trail of said activity corresponding to said real estate record such as date of access, user identification, and the like [Raveis, 0003].

Regarding claims 13, 33 and 53, as responded to earlier for claims 1, 8 and 10, Reveis in view of Watanabe teaches capability for administration by a real estate broker.

Regarding claims 14, 34 and 54, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for enabling a real estate broker controlling at least a portion of said information, said at least a portion of information including a list of third party companies with whom said real estate record is associated, such that a listing agent must use only third party companies from said list to conduct said real estate transfer.

Regarding claims 15, 35 and 55, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for real estate broker controlling at least a portion of said information, said at least a portion of said information including a scheduling master template.

Regarding claims 16, 36 and 56, as responded to earlier for claims 1, 8, 10, 13 and 15, Reveis in view of Watanabe teaches capability for automatically generating a schedule for said real estate record from said scheduling master template [Raveis, 0021].

Regarding claims 17, 37 and 57, as responded to earlier for claims 1, 8, 10, 13, 15 and 16, Reveis in view of Watanabe teaches capability for schedule being automatically populated with a plurality of tasks and associated dates [Raveis, 0021].

Regarding claims 18, 38 and 58, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating email communications to one or more of a plurality of users based on the happening of an event [Raveis, 0034].

Regarding claims 19, 39 and 59, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for automatically generating an email communication containing advertising information from said real estate record (content of an email is business choice).

Regarding claims 20, 40 and 60, as responded to earlier for claims 1, 8, 10 and 13, Reveis in view of Watanabe teaches capability for generating reports from said real estate record [Raveis, 0024, 0025].

Conclusion

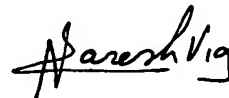
Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

December 27, 2005